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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,849	03/05/2002	Shigemitsu Aoki	1614.1220	8366
21171	7590	07/13/2004		EXAMINER
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DONOVAN, LINCOLN D	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/087,849	AOKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lincoln Donovan	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 April 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) 3-7,9,12,14,15,17-19 and 22-26 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,8,10,11,13,16,20,21 and 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2, 6, 8</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Election/Restrictions***

Claims 3-7, 9, 12, 14-15, 17-19 and 22-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04-27-04.

Applicant's election with traverse of in the reply filed on 04-27-04 is acknowledged. The traversal is on the ground(s) that all of claims 1, 2, 8, 10, 11, 13, 16, 20-21 and 27 should be examined with embodiment 2. This is found persuasive. Claims 1, 2, 8, 10, 11, 13, 16, 20-21 and 27 are examined. Claims 3-7, 9, 12, 14-15, 17-19 and 22-26 are withdrawn as being drawn to non-elected species, as acknowledged by applicant in the response filed 04-27-04.

The requirement, as amended, is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 13, 16, 20-21 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Burkett et al. [US 5,233,323].

Art Unit: 2832

Burkett et al. discloses a switch operable under a predetermined condition

[figures 1 & 3] comprising:

- a plurality of switch parts [S1-3] each including a pair of reed pieces;
- a connecting member [figures 1 & 3] of an electrically conductive non-magnetic material via which the plurality of switch parts are serially connected; and
- an actuator [10] including first and second magnets [20, 22] arranged for selective positioning about the reed parts to provide specific external magnetic fields to individually and simultaneously act on the switch parts.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkett et al. in view of Posey [US 5,293,523].

Burkett et al. disclose the instant claimed invention except for the switch parts including pole pieces provided on the reeds and a housing covering the reed assembly.

Regarding claim 2, Posey discloses a reed switch [figures 1a-b] actuatable by means of an external magnetic shunt member [24] including at least one pole piece [22] provided on one of the reeds.

Art Unit: 2832

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use pole pieces on the reeds of Burkett et al., as suggested by Posey, for the purpose of controlling the actuation response of the switch.

Regarding claims 10-11, Posey disclose [figure 7] a reed switch being covered with a housing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to including a housing with the reed switch assembly of Burkett et al., as suggested by Posey, for the purpose of protecting the switch.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkett et al. in view of Hara et al. [US 3,716,810].

Burkett et al. disclose the instant claimed invention except for the reeds having differing thicknesses.

Hara et al. disclose a reed switch [figure 8b] having reeds with differing thicknesses.

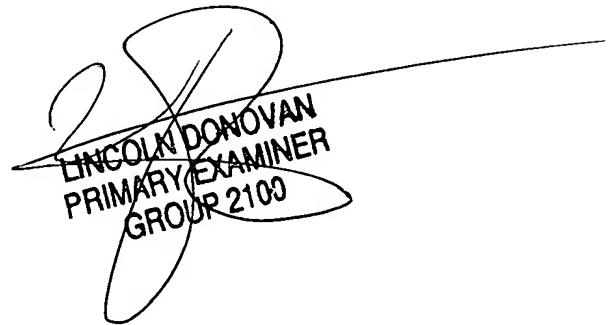
It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the reed design of Hara et al. for the reeds of Burkett et al., in order to provide controlled response in a magnetic field.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is (571) 272-1988. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lde



LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100

A handwritten signature of "LDD" is written over a stylized oval. Below the oval, the name "LINCOLN DONOVAN" is written in capital letters, followed by "PRIMARY EXAMINER" and "GROUP 2100".